REMARKS

This application has been reviewed in light of the non-final Office Action mailed on May 21, 2010. Claims 4-10 are pending in the application with Claims 4-7 being in independent form. Claims 4-7 have been amended. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

At page 2 of the present Office Action, the Examiner objected to the specification. Specifically, the Examiner stated that there are no definitions for the terms "verifier" and "timer." The Applicant submits one of ordinary skill will understand the meaning of these terms based on the application. In fact, the Examiner proceeds by overcoming the objection himself, by stating that based on FIG. 1, the context of the terms "verifier" and "timer" would fairly suggest to one of ordinary skill in the art that such systems constitute machines. In other words, such terms are common in the art and one skilled in the art would clearly understand their meaning in such context.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Application No. 2002/0154777 to Candelore in view of U.S. Patent No. 6,910,221 to Honda, in view of U.S. Patent No. 5,659,617 to Fischer, and further in view of Nickles (U.S. Patent No. 6,134,591).

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Candelore in view of Honda, in view of Fischer, in view of U.S. Application No. 2002/0069281 to Dillenberger et al., and further in view of Nickles.

Claims 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,785,815 to Serret-Avila et al. in view of Honda, in view of U.S. Patent No. 4,924,378 to Hershey et al., and further in view of Nickles.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hershey in view of Fischer, and further in view of Nickles.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Serret-Avila-Honda-Hershey, and further in view of U.S. Patent No. 6,954,786 to Vered et al.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Serret-Avila-Honda-Hershey-Nickles, and further in view of U.S. Patent No. 6,496,802 to Zoest et al.

The rejections will be addressed collectively.

The rejections are respectfully traversed.

Claim 4, as presented herein, recites, *inter alia*, as follows:

" ...wherein the assessment of the response times involves ascertaining abnormal lag times for detection of unauthorized users, between the one or more responses and the one or more requests based on predetermined lag times, **such that the abnormal lag times are stored for limiting subsequent access of the unauthorized users or notifying an external source of the unauthorized users**." (Emphasis Added.)

It is respectfully submitted that Candelore, Honda, Fischer, Dillenberger, Serret-Avila, Hershey, Vered, Zoest, and Nickles taken alone or in any proper combination, do not teach and/or suggest "...wherein the assessment of the response times involves ascertaining abnormal lag times for detection of unauthorized users, between the one or more responses and the one or more requests based on predetermined lag times, such that the abnormal lag times are stored for limiting subsequent access of the unauthorized users or notifying an external source of the unauthorized users," as recited in amended independent Claim 4.

As described at least at page 1, paragraph [0007] of the present published application (2003/0005324):

"Generally, physical proximity corresponds to temporal proximity. If the response time indicates a substantial or abnormal lag between request and response, the system assumes that the lag is caused by the request and response having to travel a substantial or

abnormal physical distance, or caused by the request being processed to generate a response, rather than being answered by an existing response in the physical possession of a user. **If a substantial or abnormal lag is detected, the system is configured to limit subsequent access to protected material by the current user, and/or to notify security personnel of the abnormal response lag.**" (Emphasis Added.)

In contrast, Nickles merely states that:

"Additionally, the network security system provides a security measure that aborts a transaction if the transaction exceeds a certain duration of time. The duration allotted for a particular transaction is based upon the time in which it takes to generally complete the transaction. By limiting the duration of the transaction between a user computer system and the source computer system to the general transaction time, a computer hacker does not have time to stay on the computer system long enough to analyze or significantly alter applications or corrupt data within the source computer system."

In other words, the system of Nickles does not take any subsequent action after a lag time has been determined, as recited in amended independent Claim 4.

Independent Claims 5-7 include similar limitations to those of Claim 4, and are allowable over the prior art of record for at least the same reasons presented above for the patentablity of independent Claim 4.

Claims 8-10 depend from Claim 7, and inherit all of the respective features of Claim 7. Thus, Claims 8-10 are patentable for at least the same reasons discussed above with respect to independent Claim 7, from which they depend, with each dependent claim containing further distinguishing patentable features. Withdrawal of the rejections of dependent claims 8-10 under 35 U.S.C. §103(a) and early allowance are respectfully requested.

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicant's attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.
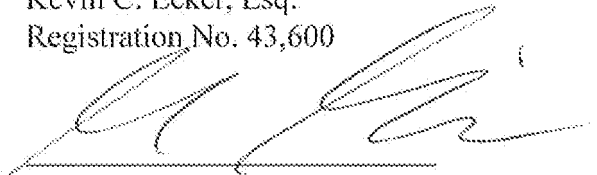
In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

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